

10/4/21

Ist
(Substitute)

ORDINANCE NO. 169-21

BY: **DEBORAH LIME**

AN ORDINANCE TO AMEND SECTION 1197.13 "REQUIRED TRASH COLLECTION AREAS" WITHIN CHAPTER 1197 "OFF-STREET PARKING AND LOADING FACILITIES" AND SECTION 1707.17(C) "GARBAGE AND RUBISH DISPOSAL" WITHIN CHAPTER 1707 "BASIC STANDARDS FOR PROPERTY MAINTENANCE" REGARDING GATE CLOSURES AND ADDITIONAL HEIGHT IN GENERAL BUSINESS TRASH COLLECTION AREAS IN THE CODIFIED ORDINANCES OF THE CITY OF PARMA, AND DECLARING AN EMERGENCY

WHEREAS, discarded waste that is not properly contained attracts vermin that are carriers of diseases including, but not limited to, hantavirus, leptospirosis, lymphocytic choriomeningitis (LCMV), tularemia, and salmonella; and

WHEREAS, trash and garbage collection areas located outdoors that are not enclosed on all sides are inherently susceptible to scavenging by vermin; and

WHEREAS, disease ridden vermin that scavenge upon discarded waste that has not been properly enclosed and contained presents a significant safety risk to the health of the populace; and

WHEREAS, this Council intends for the provisions of Ordinance No. 169-21 to also apply retroactively to all businesses currently operating in the City of Parma that maintain trash and garbage collection areas that are not located within a building or closed structure; and

WHEREAS, all businesses currently operating in the City of Parma that maintain trash and garbage collection areas that are not located within a building or closed structure must fully comply with the provisions of Ordinance No. 169-21 by no later than September 1, 2022.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARMA, STATE OF OHIO:

Section 1. That Section 1197.13 "Required Trash Collection Areas" within Chapter 1197 "Off-Street Parking and Loading Facilities" of the Codified Ordinances of the City of Parma, which presently reads as follows:

"1197.13 REQUIRED TRASH COLLECTION AREAS.

All general business uses that provide trash and/or garbage collection areas shall be enclosed on at least three sides by a solid wall or fence of at least four feet in height if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage, as determined by the Planning Commission, shall be required. "

Is hereby amended to read as follows, with inserted text underlined and bolded and deleted text struck through and italicized:

“1197.13 REQUIRED TRASH COLLECTION AREAS.

Notwithstanding provisions of any prior ordinance or rule, ~~All general business uses that provide~~ trash and/or garbage collection areas used by businesses that are not within a building or closed structure shall be enclosed on ~~at least three~~ all four sides, three sides enclosed by a solid wall or fence and the fourth side enclosed by a gate. All sides of the enclosure shall be ~~of~~ at least ~~four~~ six feet in height ~~if such area is not within an enclosed building or structure.~~ The gate side of the dumpster enclosure shall be closed at all times except during trash collection. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage, as determined by the Planning Commission, shall be required. All businesses using trash and/or garbage collections areas prior to the effective date of Ordinance No. 169-21 shall comply with the provisions of this section by September 1, 2022.”

Section 2. That Section 1707.17(c) “Garbage and Rubbish Disposal” within Chapter 1707 “Basic Standards for Property Maintenance” of the Codified Ordinances of the City of Parma, which presently reads as follows:

“1707.17 GARBAGE AND RUBBISH DISPOSAL.

(c) All commercial compactors, storage bins, refuse containers and mechanical equipment shall be contained wholly within enclosed buildings, or shall be enclosed by a solid wall or fence of such nature and height as to conceal completely all operations thereof, or use thereof, and all materials therein, from any observer's view, if the observer is standing at the grade level on an adjacent premises, or if such compactors, bins, containers and equipment are viewed from a roadway.”

Is hereby amended to read as follows, with inserted text underlined and bolded and deleted text struck through and italicized:

“1707.17 GARBAGE AND RUBBISH DISPOSAL.

(c) **Notwithstanding provisions of any prior ordinance or rule, ~~All~~ commercial compactors, storage bins, refuse containers and mechanical equipment shall be contained wholly within enclosed buildings, or shall be enclosed completely by a solid wall or fence plus a gate ~~of such nature and~~ with all sides being at least six feet in height as to conceal completely all operations thereof, or use thereof, and all materials therein, from any observer's view, if the observer is standing at the grade level on an adjacent premises, or if such compactors, bins, containers and equipment are viewed from a roadway. All businesses using commercial compactors, storage bins, refuse containers and mechanical equipment prior to the effective date of Ordinance No. 169-21 shall comply with the provisions of this section by September 1, 2022.”**

Section 3. That only that portion of Section 1197.13 “Required Trash Collection Areas” of the Codified Ordinances of the City of Parma, as it existed heretofore, is hereby repealed.

Section 4. That only that portion of Section 1707.17(c) “Garbage and Rubbish Disposal” of the Codified Ordinances of the City of Parma, as it existed heretofore, is hereby repealed.

Section 5. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 6. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City of Parma, and for the further reason that this measure is necessary in order to help prevent the spread of diseases carried by vermin that use discarded waste as a food source, and this Ordinance shall become immediately effective upon receiving the affirmative vote of two-thirds of all members elected to Council and approval of the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: _____ PRESIDENT OF COUNCIL

ATTEST: _____ APPROVED: _____
CLERK OF COUNCIL

FILED WITH
THE MAYOR: _____ MAYOR, CITY OF PARMA, OHIO